

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

**WRIT PETITION NO : 2258 of 2002**

Between:

L.Mangya, S/o. L.Sukya.  
aged about 50 years  
R/o. 7-4-7, Medar Basti,  
Kothagudem-507 101,  
Khammam District.

**....PETITIONER**

AND

1 The Singareni Collieries Company Ltd.,  
Rep. Director (operations). Khammam District

2 The Chief Transport Officer, Singareni Collieries  
Company Ltd., Khammam District

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order directions or writ particularly one in the nature of writ of Mandamus (i) declaring the proceedings Ref No.CTO/I/9/2000/673 dated 05/05/2000 including the punishment order vide proceedings Ref.No.P-10/4200/IR/1000 dated 11/01/2001 is illegal and arbitrary, (ii) declare proceedings of the Appellate Authority vide proceedings Ref.No.P-10/4200/IR/2176 dated 21/09/2001 is illegal and arbitrary and consequently set aside the punishment of reversion to the post of General Mazdoor.

**Counsel for the Petitioner: MR.G.VIDYASAGAR**

**Counsel for the Respondent Nos.1 & 2: MR.K.SRINIVASAMURTHY**

**The Court made the following:**

**ORDER**

Heard.

The petitioner who has been working as a driver with the respondent herein, filed this Writ Petition *inter alia* seeking a Writ of Mandamus declaring the proceedings, dated 05-05-2000, including the punishment ordered as per the proceedings, dated 11-01-2001, and also further orders passed in the appeal on 21-09-2001 as illegal.

The only short point that arises for consideration on the facts and circumstances of the case is as to whether in case of any reversion, can it be made to any post other than one to which the employee is regularly appointed?

The case of the petitioner in brief is that he was initially appointed as Coal Filler in the year 1974. Later on he was converted as General Mazdoor on 19-08-1982. Thereafter, in the regular appointment, the petitioner was directly appointed as driver on 03-09-1983 and later on promoted to the post of Driver Grade 'C' on 05-11-1995. Further, his services were also confirmed on 15-05-1997 and subsequently, he was allotted to duty. In the course of discharge of his duties, based on certain allegations, charge sheet was issued on 05-05-2001 to which the petitioner has filed an explanation on 22-

05-2000. After considering the same, final orders were passed on 11-01-2001 imposing punishment of reversion to the post of General Mazdoor. On appeal, the same was confirmed as per the orders, dated 21-09-2001. Hence the Writ Petition.

There is no dispute of the fact that the petitioner was initially taken into service as Coal Filler in the year 1974 and subsequently he was converted as General Mazdoor and thereafter he was regularly appointed to the post of Driver Grade 'C'. However, the post of driver to which he has been subsequently regularly appointed is not a promotion post and further the appointment to the said post of driver is a regular post which was made on 03-09-1983. Therefore, even in the category of drivers, there are cadres of Grade 'D' and Grade 'C'. Initially, the petitioner was posted as driver Grade 'D' and later on he was promoted as driver Grade 'C' on

05-11-1996 and thereafter he was confirmed as General Mazdoor. It is now well established that any orders can be made to any other post to which it is borne on the cadre. Admittedly, the present cadre is only Grade 'D' and the post of General Mazdoor cannot be said to be in the hierarchy as contemplated by the respondent. Therefore, the impugned action is totally illegal and is unsustainable. In view of the same, it is not necessary to go into the correctness of the allegations made in the charge sheet as against the petitioner or finding given therein. Even accepting the said finding, however the punishment necessarily be modified only to the effect of reversion made to the post of driver Grade 'D' and not to the post of General Mazdoor.

In view of the above circumstances, the Writ Petition is accordingly allowed and the impugned order is set aside only to the effect of reversion given to the post of driver Grade 'D'. No costs.

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23-03-2005

Hsd

That Rule Nisi has been made absolute as above.

Witness, the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Wednesday, the Twenty Third day of March, 2005.

Asst. Registrar

To

1 The Director, (Operations) Singareni Collieries Company Ltd., Khammam District

2 The Chief Transport Officer, Singareni Collieries Company Ltd., Khammam District

3 2 CD copies.